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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,729	08/22/2001	Louis W. Adams JR.	5258	9010

7590  
12/30/2003  
Milliken & Company  
P.O. Box 1927  
Spartanburg, SC 29304

EXAMINER
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NERBUN, PETER P

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/934,729

Applicant(s)

ADAMS ET AL.

Examiner

Peter P Nerbun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 12, 13, 15, 17, 18, 24, 28, 30, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 4-8, 10, 11, 14, 16, 19-23, 25-27, 29, 31 and 34-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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Claims 34-49 are objected to because of the following informalities: In claim 34, last line, “;” must be changed to --.-- to correct an error in punctuation. Claims 34-49 will be allowed upon making this correction.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,9,12,13,18,24, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakurada et al. The patent to Sakurada et al discloses an automated process for coloring a superpixel (a pixel defined by a plurality of pixels), defined within a computer aided design system 33,34, Fig. 4, containing a specified number of constituent pixels N (see col. 5, lines 14-15 which states that one pixel, viz. a “superpixel”, is constituted by nine dots – each dot is a pixel since a pixel is any one of a plurality of small discrete elements that together constitute an image) and using a pre-defined set of process colors (yellow, magenta, cyan, and black as set forth in col. 4, lines 9), for use in coloring a pattern area (the area within one of the sets of nine squares shown in Fig. 6) having a specified target color (one of the “actual recording colors” recited in col. 4, lines 62-63), said process comprising the steps of defining a combination of said process colors (see col. 5, lines 14-21), each of said process colors having an individually specified concentration to be assigned to said superpixel that, when blended together, will produce said target color (note that the density, viz. the concentration, of the process colors is individually specified for assignment to the

combination of 9 pixels as set forth in col. 17-20), wherein said assignment of process colors to specific constituent pixels is constrained by a minimum specified concentration (the concentration has a minimum value corresponding to the "thin ink" referred to at col. 3, lines 62-63), and determining, within said combination of said process colors of Step (a), an assignment of specific concentrations of said process colors to specific constituent pixels that produces a desired distribution of colorants within said superpixel (see col. 6, lines 20-67 and col. 7, lines 1-6).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,15,17,30,32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurada et al in view of Adams. To display the target color of Sakurada et al on a computer monitor as suggested by Adams (see col. 17, lines 28-46, col. 18, lines 8-19 and at 4,6,7,8, Fig. 1) would have been obvious since the target color could be displayed for color evaluation purposes prior to printing the color on a substrate.

Claims 4-8,10,11,14,16,19-23,25-27,29, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-308-0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Peter Nerbun  
December 19, 2003

  
Peter Nerbun  
Primary Examiner